A BRIEF REPRESENTATION OF THE Quakers Case OF Not-Swearing;

And why they might have been, and yet may be Relieved therein, by PARLIAMENT.

'TIS a certain truth, That among Christians, and Protestants especially; there are divers particular things about Religion, conscientiously scrupled by some as unlawful, that others esteem Orthodox: And therefore 'tis not to be wonder'd, that the Quakers differ from many others, (tho' not from all) in this Case of Oaths; they believing they are absolutely forbid to Swear in any Case, by that positive Command of Christ, *Matth.* 5. 34. and the Earnest Exhortation of his Apostle, *James* 5. 12. And that this is undeniably their Christian Perswasion, is evidenced by their Sufferings these many Years for not Swearing.

And therefore their Case may be worth the Charitable notice of the Government, by Law to Relieve them therein. And not for their Religious Perswasion, to continue them and their Families, exposed to Ruin; who among

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among their Neighbours cheerfully pay to the Support of the Government; and by their Trades, and Industry (according to their Capacities) advance the National Stock.

It may therefore be humbly offer'd, 'That 'tis not the Intereſt of the Government, to refuſe them Relief.

Their Induſtry in Trade, both at Sea and Land, bringing Profit to the Government, as well as others; The Station they ſtand in, as Merchants, Farmers, Manufactors, Improvers of Lands and Stocks, is advantagious to their Neighbours as truly as others. And as it ſeems not the Intereſt of the Government in general, that they ſhould be any ways diſcouraged in their Honeſt Induſtry; ſo neither is it the Intereſt of an Eminent part of the Government, that they ſhould not be Reliev'd, *viz.* The Judges.

For the frequent Suites that are brought againſt Quakers, before the Chancery and Exchequer Judges, are no doubt very troubleſome and burthenſome, by the difficulty of getting at a Juſt Iſſue, for want of Swearing; whereby Juſtice is delayed, and their Cauſes often held very long: And no doubt, when Juſt Judges ſee the Quakers wrong'd, and abuſed, and can't Relieve them, 'tis irkſome to them: So that 'tis humbly conceiv'd, 'twould be a great eaſe to thoſe Courts, to have the Quakers Reliev'd in this Caſe of Oaths.

Neither is it without Advantage to the King's other Courts, to be able to uſe the Evidence of one who is now a Quaker, that perhaps was not ſo, ſome Years ago; when he was a Witneſs to a Bill, Bond, Book-debt, or Deed of Indenture; or when he was Steward, or Truſtee, or Servant, either to Perſons of Quality, or to others of Trade, or Eſtate.

Nor may their Teſtimony be unuſeful to Coroners, in Caſe of Unnatural Deaths; nor inconvenient in Caſes of Treſpaſs or Felony, *&c.*

And it is further propoſed, That it is not the Intereſt of the Subject, to continue them unrelieved: For it is not the Intereſt of thoſe the Quakers are indebted to: Becauſe, tho' ſuch may ſue and harraſs the Quakers, in Perſon and Eſtate;

yet

yet they may long want a Decision of their Debt or Claim, as to the right of it, for want of an Answer upon Oath.

It is not the Interest of those they are concern'd with, in any doubtful Case, because of the Difficulty to come to Tryal.

And for those that owe Money to the Quakers, to be allowed to fly into Chancery for a Refuge; to obstruct paying just Debts; is such an Injury, as 'tis hoped, no one that is rational will countenance, or desire should be continued upon them. And may it not then be asserted, That 'tis no Honest Man's true and just Interest, (to have the Quakers denied Relief) no not the Gown-men of *VVestminster-Hall*, whose few Fees from the Quakers as Plaintiffs, might suggest (tho' unduly) that they have no long-tail'd Debts to sue for, nor Titles to recover; but if they so suppose, it's a mistake, for 'tis rather their despair of relief, and their well-known inability to pursue a Cause, that is their common determent to begin.

So that of all Causes that crowd those Courts, few are brought by the Quakers, tho' they may need it as much as others, to the great Loss of the Learned in the Law, as well as the Poor Injured Quaker.

And one might think 'twere great pity, an Industrious People should be kept liable to all Injurious Suites, and so much barr'd from Sueing for their Rights, be their Cause never so reasonable, just or necessary.

Seeing their Relief is to them so needful, so harmless to all, and so useful to the Government, and their Neighbours; Let's a little consider the common Objections; which may be sum'd up in short thus;

First Objection, *How shall we then be at a Certainty?*

Secondly, *Why should the Laws be alter'd for them? For,*

Thirdly, *'Twould be to raise old Foundations*;

Fourthly, *And let them into the Government.*

Which it's hoped will not be difficult to answer one by one, and that to reasonable satisfaction.

And to the First, *viz. The Doubt of Certainty.* It may be rationally affirmed, That whosoever is bound to tell the

 Truth,

Truth, (eſpecially againſt Mens own Intereſt, where the Temptation, if any, mainly lyes) ſuch are either ſo bound by the Law of God, or the Laws of Men, or both.

Now the Obligations by the Law of God are binding on good Men, whether they give Anſwers on Oath, or on their Solemn Affirmation in the fear of God; and Knaves are only bound by the Penal Laws of Men; which if made equally ſevere, to thoſe that give fallacious Anſwers, as well without Oath as by Oath, would be equally effectual and binding, both to them that give Anſwers without Swearing, and to them that Swear.

The Second Objection, *That 'twould be an Alteration of the Law*; Not of the Subſtance of the Law, but of a Circumſtance; and if that hath no detriment in it, but that the Alteration be really an Amendment, and a conveniency to an Honeſt, Induſtrious People, pray why ſhould it not be done? What Seſſions of Parliament is there, that paſſes, but ſome Law or other is made for the eaſe, ſecurity or relief of the Subject?

If Foreigners are too hard for our Sea-faring People, out goes an Act of Navigation to prevent it.

If our Poor at Home want Silk to Work with, how ſoon is it granted? (notwithſtanding the ſame Act) to come over Land, and not directly in Shipping from the places of it's produce, as the ſaid Act before did enjoin; And ſhall the Eaſe of Trade be ſo ſoon granted, againſt a poſitive Statute; and the Eaſe of Conſcience be ſo long denied in this, as poſitive a Command of Chriſt, at leaſt really ſo believed and accepted?

And for the Third Objection, *That 'tis to raſe old Foundations*: Anſwer, No; as 'twas ſaid, 'tis rather to mend them; a proper Work for Parliaments.

Did not Parliaments Abrogate Popery, with all its Claim of Antiquity? Did not a Parliament make the Act of *Habeas Corpus* againſt the Claim of Prerogative? And was it more reaſonable to ſecure the Subject from perpetual Impriſonment by a King without Tryal, than it is to ſecure one Subject from Impriſoning another till Death, for not giving an Anſwer in Chancery,

Chancery or Exchequer upon Oath? Does it belong to Parliaments to secure other Subjects in their Estates, Liberties and Properties? And is it Unparliamentary, to secure the Quakers from Sequestrations, against their whole Estates? Because they dare not comply to a Circumstance of the Law; when (as they understand it) 'tis against an express Command of Christ? Surely no. And therefore their Relief in Parliament is a fitting Case to be there tenderly taken notice of, and provided for.

May it not then be well worth the while for this present Parliament, to Relieve these Distressed People, and afford their Suffering Case Redress? That thereby their Causes may the sooner come to an Issue; whether they Sue for Just Debts, or are Sued: Whereby many Unjust and Vexatious Suites, by Injurious and Litigious Persons, may be prevented, which have often tended rather to the Quakers Ruin, and others Damage, than Recovery of their Right.

As to the Fourth Objection, *That 'twill tend to let them into the Government*: For Answer thereto, Barr that as hard as you please; only don't let the Supposal of that, from which so easily, and so willingly they may be excluded, be a hindrance to that ease and benefit the Government may so easily afford them.

But now while you have opportunity by the Station Providence hath placed you in, pray be you of such Noble, Generous Spirits, as to Relieve them, tho' they differ from you in the Construction of a Text, they esteem plain and positive on their side, and from which they dare not swerve, having therein the Concurrence of many * Ancient Fathers, and Martyrs, and since them the Menists, and of late *Francis Osbourne* Esquire, in his Political Reflections, 7th Edition, p. 319. who treating of Judicial Cases, calls *Not-swearing*, a Yielding a Sincere and Faithful Obedience to the Precept of our Saviour, Swear not at all, (which [says he] the Corrupt Glosses of Expositors labour much, tho' all in vain, to elude.)

And *Swinderby* in his Appeal to the King, complaining of the Errors of the Papists, say thus,

* *Chrysost.* &c. *Swinderby's* Appeal to the King. *Walter* his Declaration. Acts & Monuments Vol. 1. new Edit. *Young's* Exam. fol. old Edit. abundantly others.

thus, *As Chriſt forbids Swearing, ſo* [ſays he] *the Pope juſtifieth Swearing, and compels Men to Swear.*

Which no Man can rationally ſay, is only ſpoken of Swearing in Communication, for his Complaint is againſt juſtifying Swearing, and compelling Men to Swear, which cannot be pretended to mean other than ſolemn Swearing; for no Age, that we read of, did ever Authorize Prophane Swearing, much leſs compel to it.

Since therefore not only Prophane Swearing, but alſo Solemn Swearing, was early complained of by Proteſtants, let it not ſeem ſtrange to any, that the Quakers now ſcruple Swearing, and for eaſe therein have often ſought Relief in Parliament, the proper place.

Seeing then they believe they have the Authority of Chriſt's Command, and the Apoſtles Exhortation, and the Martyrs Doctrine on their ſide; tho' divers of you are not ſo perſwaded.

Yet let the World behold your Juſtice, and Willingneſs (according to your Power) to do Good to all the Honeſt and Induſtrious People you both Repreſent and Govern: By Enacting, *That their Solemn Affirmation ſhall be accepted in Lieu of an Oath; and all that falſifie therein ſhall be Puniſhed Equally with Perjured Perſons.*

It having been made appear to a Committee of this Parliament, [*Dec.* 2. 1692.] that they are Expoſed to great Hardſhips, as aforeſaid; and not themſelves only, but others alſo; [which was the Caſe of a Member or two of this preſent Parliament.]

So that upon the whole Matter, the ſaid Committee were of Opinion, and did Report it to the Houſe, **That the Quakers ought to be Relieved according to the Prayer of their Petition**, [then newly Preſented to the Houſe.]

Wherefore, as Liberty hath been given them, to declare their Allegiance to the Government without Swearing, for which Eaſe they are ſincerely thankful; ſo be pleaſed to add to that Kindneſs, their Relief in the Matter of Oaths, between them and other Subjects, as well as between the Government and them.

Signed in Behalf of the ſaid People,

Theodor Eccleſton.

London, Dec. 22. 1694.